

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**Philipp Leo Bannwart, M.D.**

**Case No. 800-2017-035909**

**Physician's and Surgeon's  
Certificate No. A 83871**

**Respondent**


**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted  
as the Decision and Order of the Medical Board of California, Department of  
Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on March 8, 2019.**

**IT IS SO ORDERED March 1, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
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7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-035909

13 **PHILIPP LEO BANNWART, M.D.**

14 **BAHNHOFPLATZ 6**  
15 **3920 ZERMATT 99**  
16 **Switzerland**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 **Physician's and Surgeon's Certificate No. A**  
18 **83871**

Respondent.

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
24 of California (Board). She brought this action solely in her official capacity and is represented in  
25 this matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D.  
26 Wagner, Deputy Attorney General.

27 2. Philipp Leo Bannwart, M.D. (Respondent) is representing himself in this proceeding  
28 and has chosen not to exercise his right to be represented by counsel.

1           3.     On or about July 2, 2003, the Board issued Physician's and Surgeon's Certificate No.  
2     A 83871 to Philipp Leo Bannwart, M.D. (Respondent). The Physician's and Surgeon's Certificate  
3     was in full force and effect at all times relevant to the charges brought in Accusation No. 800-  
4     2017-035909 and will expire on February 28, 2019, unless renewed.

5                                   **JURISDICTION**

6           4.     Accusation No. 800-2017-035909 was filed before the Board, and is currently  
7     pending against Respondent. The Accusation and all other statutorily required documents were  
8     properly served on Respondent on December 17, 2018. Respondent timely filed his Notice of  
9     Defense contesting the Accusation. A copy of Accusation No. 800-2017-035909 is attached as  
10    Exhibit A and incorporated by reference.

11                               **ADVISEMENT AND WAIVERS**

12          5.     Respondent has carefully read, and understands the charges and allegations in  
13     Accusation No. 800-2017-035909. Respondent also has carefully read, and understands the  
14     effects of this Stipulated Surrender of License and Order.

15          6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
16     hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
17     his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18     present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19     the attendance of witnesses and the production of documents; the right to reconsideration and  
20     court review of an adverse decision; and all other rights accorded by the California  
21     Administrative Procedure Act and other applicable laws.

22          7.     Respondent fully understands and agrees that if he ever files an application for  
23     relicensure or reinstatement in the State of California, the Board shall treat it as a petition for  
24     reinstatement, and Respondent must comply with all laws, regulations and procedures for  
25     reinstatement of a revoked license in effect at the time the petition is filed.

26          8.     Respondent understands that he may not petition for reinstatement as a physician and  
27     surgeon for a period of three (3) years from the effective date of his surrender. Information  
28     gathered in connection with Accusation No. 800-2017-035909 may be considered by the Board in

1 determining whether or not to grant the petition for reinstatement. For the purposes of the  
2 reinstatement hearing, the allegations contained in Accusation No. 800-2017-035909 shall be  
3 deemed admitted by Respondent, and Respondent waives any and all defenses based on a claim  
4 of laches or the statute of limitations.

5 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
6 every right set forth above.

### 7 CULPABILITY

8 10. For the purpose of resolving the charges and allegations in the Accusation, without  
9 the expense and uncertainty of further proceedings, Respondent agrees that based on the  
10 allegations in Accusation No. 800-2017-035909 cause exists for discipline and hereby surrenders  
11 his Physician's and Surgeon's Certificate No. A 83871 for the Board's formal acceptance.

12 11. The admissions made by Respondent herein are only for the purposes of this  
13 proceeding, or any other proceedings in which the Medical Board or other professional licensing  
14 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

15 12. Respondent understands that by signing this stipulation he enables the Board to issue  
16 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
17 process.

### 18 CONTINGENCY

19 13. This stipulation shall be subject to approval by the Board. Respondent understands  
20 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
21 with the Board regarding this stipulation and surrender, without notice to or participation by  
22 Respondent. By signing the stipulation, Respondent understands and agrees that he may not  
23 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers  
24 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
25 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
26 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
27 be disqualified from further action by having considered this matter.

1 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
2 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
3 thereto, shall have the same force and effect as the originals.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Board may, without further notice or formal proceeding, issue and enter the following Order:

6 **ORDER**

7 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 83871, issued  
8 to Respondent Philipp Leo Bannwart, M.D., is surrendered and accepted by the Board.

9 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the  
10 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
11 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
12 of Respondent's license history with the Board.

13 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
14 California as of the effective date of the Board's Decision and Order.

15 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
16 issued, his wall certificate on or before the effective date of the Decision and Order.

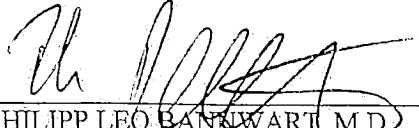
17 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
19 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
20 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
21 contained in Accusation No. 800-2017-035909 shall be deemed to be true, correct and admitted  
22 by Respondent when the Board determines whether to grant or deny the petition.

23 **ACCEPTANCE**

24 I have carefully read the Stipulated Surrender of License and Order. I understand the  
25 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into  
26 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
27  
28

agree to be bound by the Decision and Order of the Medical Board of California.

DATED: Feb. 15, 2019

  
PHILIPP LEO BANNWART, M.D.  
Respondent

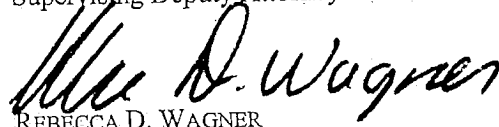
**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
REBECCA D. WAGNER  
Deputy Attorney General  
Attorneys for Complainant

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Bannwart.stipulated.surrender

**Exhibit A**

**Accusation No. 800-2017-035909**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
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15 **BAHNHOFPLATZ 6**  
16 **3920 ZERMATT 99**  
17 **Switzerland**

**ACCUSATION**

18 **Physician's and Surgeon's Certificate**  
19 **No. A 83871.**

20 **Respondent.**

21 **Complainant alleges:**

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
24 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
25 Affairs (Board).

26 2. On or about July 2, 2003, the Medical Board issued Physician's and Surgeon's  
27 Certificate Number A 83871 to Philipp Leo Bannwart, M.D. (Respondent). The Physician's and  
28



1 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
2 herein and will expire on February 28, 2019, unless renewed.

3 **JURISDICTION**

4 3. This Accusation is brought before the Board, under the authority of the following  
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2004 of the Code states:

7 "The board shall have the responsibility for the following:

8 "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice  
9 Act.

10 "(b) The administration and hearing of disciplinary actions.

11 "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
12 administrative law judge.

13 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
14 disciplinary actions.

15 "(e) Reviewing the quality of medical practice carried out by physician and surgeon  
16 certificate holders under the jurisdiction of the board.

17 "..."

18 5. Section 2227 of the Code states:

19 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
20 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
21 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
22 action with the board, may, in accordance with the provisions of this chapter:

23 "(1) Have his or her license revoked upon order of the board.

24 "(2) Have his or her right to practice suspended for a period not to exceed one year upon  
25 order of the board.

26 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
27 order of the board.

28

1       “(4) Be publicly reprimanded by the board. The public reprimand may include a  
2 requirement that the licensee complete relevant educational courses approved by the board.

3       “(5) Have any other action taken in relation to discipline as part of an order of probation, as  
4 the board or an administrative law judge may deem proper.

5       “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
6 review or advisory conferences, professional competency examinations, continuing education  
7 activities, and cost reimbursement associated therewith that are agreed to with the board and  
8 successfully completed by the licensee, or other matters made confidential or privileged by  
9 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
10 Section 803.1.”

11       6. Section 2234 of the Code, states, in relevant part:

12       “The board shall take action against any licensee who is charged with unprofessional  
13 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
14 limited to, the following:

15       “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
16 violation of, or conspiring to violate any provision of this chapter.

17       “(b) Gross negligence.

18       “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
19 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
20 the applicable standard of care shall constitute repeated negligent acts.

21       “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
22 that negligent diagnosis of the patient shall constitute a single negligent act.

23       “(2) When the standard of care requires a change in the diagnosis, act, or omission that  
24 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
25 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the  
26 applicable standard of care, each departure constitutes a separate and distinct breach of the  
27 standard of care.

28       “(d) Incompetence.

“(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

“ . . . ”

7. Section 2242(a) of the Code states that prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022<sup>1</sup> without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.

## BACKGROUND FACTS

8. At all times relevant to this matter, Respondent was licensed and practicing medicine in California.

9. Respondent treated, on an outpatient basis, Patient P-1<sup>2</sup> from July 21, 2011 to February 1, 2012<sup>3</sup>. Patient P-1 was a 49 year old female, with a past medical history of polysubstance abuse, post-traumatic stress disorder, bipolar disorder, chronic pain syndrome and a history of overdose. Respondent prescribed multiple opioid medications to Patient P-1 including methadone<sup>4</sup>, hydrocodone<sup>5</sup> and codeine<sup>6</sup>. Over the course of five months, Respondent increased Patient P-1's methadone from 60 milligrams per day to 200 milligrams per day, which has a morphine milligram equivalent of 2400.<sup>7</sup>

10. On July 21, 2011, Patient P-1 was treated by Respondent at Concord Health Center for chronic pain partially related to a fall from May 29, 2011 where she had been admitted at John

<sup>1</sup> Dangerous drug means any drug unsafe for self-use in humans or animals including drugs that require a prescription to be lawfully dispensed.

<sup>2</sup> The patient is designated in this document as Patient P-1 to protect her privacy. Respondent knows the name of the patient and can confirm her identity through discovery.

<sup>3</sup> The only medical records available are from this time period, however, Respondent may have treated her longer than indicated in the medical records per his statements during the investigation.

<sup>4</sup> Methadone is a synthetic narcotic analgesic with multiple actions quantitatively similar to those of morphine. It is a dangerous drug as defined in section 4022 and a Schedule II controlled substance. Methadone exhibits a non-linear relationship due to the long half-life and accumulates with chronic dosing.

<sup>5</sup>Hydrocodone is an opioid/narcotic pain reliever used to treat moderate to severe pain. It is a dangerous drug as defined in section 4022 and a Schedule II controlled substance.

<sup>6</sup> Codeine is an opioid analgesic used to treat mild to moderately severe pain. It is a dangerous drug as defined in section 4022 and a Schedule II controlled substance.

<sup>7</sup> Morphine milligram equivalency (also known as MME) is used to convert the many different opioids into one standard value based on morphine and its potency. Oxycodone, for example, is 1.5 times as potent as morphine so 100 milligrams of oxycodone is equivalent to 150 MME.

1 Muir Medical Center. Patient P-1 stated her pain was a 7 out of 10 and was generalized.

2 Respondent prescribed 180 pills of 10 milligrams of methadone to Patient P-1.

3 11. On August 10, 2011, Patient P-1 was treated again by Respondent for pain  
4 management issues. Respondent noted in the chart that Patient P-1 was almost blind and he  
5 referred her to Ophthalmology. Patient P-1 was prescribed 320 10 milligram pills of methadone  
6 between Respondent (300 pills) and another physician (20 pills). The total methadone dosage per  
7 day was 100 milligrams.

8 12. Respondent treated Patient P-1 again on September 1, 2011 for a follow-up visit and  
9 Patient P-1 stated her pain was 9 out of 10 and was "uncontrolled" but that pain levels improved  
10 on higher doses of methadone. She had run out of pain medication the day before and was  
11 "withdrawing." On September 12, 2011, Patient P-1 called the Concord Health Center stating the  
12 pharmacy would not fill her prescription because the dosage was increased. Patient P-1 returned  
13 for follow-up on September 14, 2011 for medication as there was some difficulty getting her  
14 methadone approved by insurance.

15 13. On October 5, 2011, Patient P-1 was treated by Respondent for a follow-up to get  
16 methadone refilled and said it worked well with her pain.

17 14. In October and November 2011, Respondent prescribed 480 pills totaling 160  
18 milligrams of methadone per day. In addition, Respondent prescribed 180 10 milligram  
19 hydrocodone/acetaminophen pills totaling 60 milligrams per days (an MME of 60 per day).  
20 Respondent also prescribed 480 milliliters of 10 milligram/5 milliliters codeine promethazine  
21 syrup<sup>8</sup> with an MME of 4.8 per day.

22 15. On December 19, 2011, Patient P-1 was seen by Respondent for follow-up and  
23 medication refill after having been hospitalized as suicidal because of uncontrolled pain. She  
24 stated her pain was 9 out of 10 and the methadone dosage was "not enough". Respondent  
25 referred Patient P-1 to John Muir Behavioral Health Center but she started experiencing shortness  
26

27 <sup>8</sup> Promethazine-codeine syrup is a prescription medicine used to temporarily treat cough  
28 and upper respiratory symptoms. It is a Schedule V controlled substance, and, if taken in  
conjunction with benzodiazepines, or other central nervous depressants, including alcohol, can  
cause severe drowsiness, breathing problems (respiratory depression), coma and death.

1 of breath and was denied admission without a medical clearance by Respondent. Respondent  
2 spoke with Patient P-1 on January 4, 2012 regarding her cough and to discuss her breathing  
3 troubles/bronchitis/wheezing. On January 5, 2012, Respondent medically cleared Patient P-1 to  
4 be treated at John Muir.

5 16. On January 11, 2012, Patient P-1 called Respondent because the pharmacy requested  
6 Patient P-1 ask him for a new prescription for Norco.<sup>9</sup> On January 11, 2012, Dr. N.F. called  
7 Respondent to advise that Patient P-1 fell out of her wheelchair on January 10, 2012 and was  
8 walking down the street "totally out of it" and wanted to know whether to stop Depakote<sup>10</sup>  
9 because Patient P-1 claimed that Depakote caused the problem. The medical records are unclear  
10 as to whether Respondent contacted Dr. N.F. to follow-up. On January 15, 2012, Respondent  
11 prescribed 180 pills of 10-mg hydrocodone/325 milligram acetaminophen with an MME of 60 per  
12 day. On January 16, 2012, Respondent prescribed 600 pills of methadone for 200 milligrams per  
13 day with an MME of 2400 per day.

14 17. Patient P-1 was admitted to John Muir hospital from January 24, 2012 to January 28,  
15 2012 for respiratory failure secondary to narcotic and benzodiazepine overdose and was in an  
16 altered mental status secondary to drug overdose. She was found unresponsive by her son and  
17 taken by ambulance to the hospital. Patient P-1 had previously been admitted to John Muir  
18 hospital for opioid overdose on "multiple occasions". Patient P-1 had difficulty with her sight but  
19 had several large bottles of medication with her in different strengths which was noted to not be a  
20 "safe situation" and she was to be followed by a Home Health RN for medication review.  
21 Respondent was cc'd on the medical records related to this hospitalization.

22 18. Patient P-1 was discharged from the hospital on January 28, 2012 and on January 31,  
23 2012, a home health nurse called Respondent to alert him that Patient P-1 was "taking

24  
25 <sup>9</sup> Norco is a trade name for hydrocodone bitartrate with APAP (hydrocodone with  
26 acetaminophen) tablets. Norco 325/10 reflects that each pill contains 325 mg of acetaminophen  
27 and 10 mg of hydrocodone bitartrate. Hydrocodone bitartrate is a semisynthetic narcotic  
28 analgesic and a dangerous drug as defined in section 4022 and a Schedule III controlled  
substance.

<sup>10</sup> Depakote is the brand name for Valproic Acid and is an anticonvulsant used to treat  
seizures and bipolar disorder.

1 medications that she should not be taking” and wanted to discuss possibly getting her a social  
2 worker. Respondent called back and left a message per medical records.

3 19. Concord Health Center prescription records show the following prescriptions written  
4 by Respondent: on February 7, 2011: Methadone: 10 mg with 120 quantity; on April 11, 2011:  
5 Methadone: 10 mg and Oxycodone with Acetaminophen (Percocet)<sup>11</sup> 5 mg/325 mg: 90 tabs  
6 quantity (one week supply at a time); on April 20, 2011: 180 tabs of methadone 10 mg; on July  
7 21, 2011: 180 tabs of 10 mg methadone and 90 tabs of 5 mg/325 mg Percocet; on August 10,  
8 2011: 240 tabs of 10 mg methadone and 180 tabs of 10 mg/325 mg Norco; on September 1,  
9 2011: 180 tabs of 10 mg/325 mg Norco; on October 5, 2011 480 tabs of 10 mg methadone and  
10 180 tabs 10 mg/325 mg Norco; On October 31, 2011 480 tabs of 10 mg refilled by Dr. A.K.;  
11 December 19, 2011: 600 tabs 10 mg Methadone, 240 ml 6.25 mg/10 mg promethazine-codeine  
12 syrup and 180 tabs of Norco 10 mg/325 mg; in December 28, 2011 240 6.25 mg/10 mg  
13 promethazine-codeine syrup; on December 29, 2011: 240 ml 6.25 mg/10 mg promethazine-  
14 codeine syrup; January 11, 2012: 600 tabs of 10 mg methadone; 180 tabs Norco 10 mg/325 mg;  
15 240 ml promethazine-codeine syrup 6.25 mg/10 mg; January 25, 2012: 240 ml promethazine-  
16 codeine syrup 6.25 mg/10 mg. On January 19, 2012 and January 25, 2012, Respondent ordered  
17 240 milliliters of Promethazine-Codeine syrup (6.25 mg/10 mg) for Patient P-1. On January 25,  
18 2012, Respondent prescribed 180 tablets of Norco (10/325 mg) with one refill remaining.

19 20. Respondent was interviewed on October 11, 2018 regarding his treatment of Patient  
20 P-1. Respondent recalled Patient P-1 ran out of methadone in November 2011 and compensated  
21 with alcohol and became suicidal and had to be hospitalized. He described her as a “very, very  
22 challenging patient.” Respondent admitted considering tapering his patient, however, he did not  
23 do so. Respondent also admitted he did not have access to CURES but that he had called the  
24 pharmacy to access CURES. Respondent was questioned about the CURES prescription report  
25 which showed that he prescribed methadone amounts of 10 milligram, 600 pills in December

26 <sup>11</sup> Percocet is a trade name for Oxycodone and Acetaminophen combined. Oxycodone is  
27 an opioid pain medication sometimes called a narcotic and Acetaminophen is a less potent pain  
28 reliever that increases the effect of the oxycodone. Oxycodone is a dangerous drug as defined in  
section 4022 and a Schedule II controlled substance. It is a more potent pain reliever than  
morphine or hydrocodone.

1 2011 and 10 milligram, 600 pills in January 2012 and stated "that does not sound right." These  
2 prescription levels were later confirmed from a CVS Pharmacy patient prescription profile that  
3 showed that on December 19, 2011, Respondent wrote a prescription for methadone (10  
4 milligrams, 600 tabs) and again on January 16, 2012 (10 milligrams, 600 tabs).

5 21. Patient P-1 died on February 5, 2012 and the coroner listed her cause of death as  
6 "acute methadone intoxication."

7 **CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct: Gross Negligence/Repeated Negligent  
9 Acts/Incompetence/Improper Prescribing Without an Appropriate Prior Examination and  
10 Medical Indication)

11 (Code Sections 2234(b), (c), and (d); 2242)

12 22. Respondent is subject to disciplinary action under section 2234, subdivisions (b)  
13 (gross negligence), (c) (repeated negligent acts), (d) (incompetence) and 2242 (improper  
14 prescribing) in that Respondent has committed gross negligence and/or repeated negligent acts  
15 and/or incompetence in the practice of medicine as described above, including, but not limited to,  
16 the following:

17 A. Respondent failed to reduce the dosage of opioids prescribed by reassessing the need  
18 for opioids every three months and determining if the dosage should be tapered. Respondent  
19 stated that he considered tapering Patient P-1 from methadone but instead he increased the dosage  
20 and even added additional opiate medication over a period of five months and Patient P-1  
21 subsequently died of methadone intoxication.

22 B. Respondent failed to refer Patient P-1 to an addiction or pain specialist despite  
23 dosages of greater than 80 morphine milligram equivalents per day. Patient P-1 received 2400  
24 morphine milligram equivalents per day without referral to an addiction or pain specialist.

25 C. Respondent failed to take steps to account for, and was unaware of, the amount of  
26 narcotics prescribed to Patient P-1. For example, Respondent did not review the state  
27 prescription drug monitoring program (CURES) despite Patient P-1 being prescribed opioids.

28 Respondent admitted that he had no access to CURES, however, he called the pharmacy and

1 requested that the pharmacy access CURES, yet Respondent did not appear to understand the  
2 amount of medications that Patient P-1 was being prescribed.

3 D. Respondent prescribed Patient P-1 more than one central nervous system depressant  
4 in combination. Patient P-1 was treated by multiple clinicians who prescribed a combination of  
5 benzodiazepines and opioids and Respondent apparently did not check CURES or take other steps  
6 to determine what prescriptions Patient P-1 obtained from other prescribers and failed to limit or  
7 taper the combinations of central nervous system depressants.

8 E. Respondent failed to use drug testing before starting opioid therapy for chronic pain,  
9 and failed to take other steps to verify the patient's compliance with a treatment plan. For  
10 example, Respondent did not consider regular urine drug testing at least annually to assess the  
11 combinations being used including other prescribed medications, as well as other controlled  
12 prescription drugs and illicit drugs.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Medical Board of California issue a decision:

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 83871,  
17 issued to Philipp Leo Bannwart, M.D.;

18 2. Revoking, suspending or denying approval of Philipp Leo Bannwart, M.D.'s authority  
19 to supervise physician assistants and advanced practice nurses;

20 3. Ordering Philipp Leo Bannwart, M.D., if placed on probation, to pay the Board the  
21 costs of probation monitoring; and

22 4. Taking such other and further action as deemed necessary and proper.

23 DATED:  
24 December 17, 2018

25   
26 KIMBERLY KIRCHMEYER  
27 Executive Director  
28 Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

SF2018501101  
Bannwart.phillip.accusation